

and substituted “of the employee or for any other purpose” for “of the employee”.

Subsec. (a)(1)(B). Pub. L. 105-55, §103(a)(3), substituted “in the case of a lump sum payment for the accrued annual leave of the employee, the amount” for “the amount”.

#### CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Section 103(b) of Pub. L. 105-55 provided that: “The amendments made by subsection (a) [amending this section] shall apply to fiscal years beginning on or after October 1, 1997.”

#### LUMP SUM PAYMENT FOR ACCRUED ANNUAL LEAVE OF SENATE EMPLOYEES

Pub. L. 106-554, §1(a)(2) [title I, §6], Dec. 21, 2000, 114 Stat. 2763, 2763A-97, provided that:

“(a) The head of the employing office of an employee of the Senate may, upon termination of employment of the employee, authorize payment of a lump sum for the accrued annual leave of that employee if—

“(1) the head of the employing office—

“(A) has approved a written leave policy authorizing employees to accrue leave and establishing the conditions upon which accrued leave may be paid; and

“(B) submits written certification to the Financial Clerk of the Senate of the number of days of annual leave accrued by the employee for which payment is to be made under the written leave policy of the employing office; and

“(2) there are sufficient funds to cover the lump sum payment.

“(b)(1) A lump sum payment under this section shall not exceed the lesser of—

“(A) twice the monthly rate of pay of the employee; or

“(B) the product of the daily rate of pay of the employee and the number of days of accrued annual leave of the employee.

“(2) The Secretary of the Senate shall determine the rates of pay of an employee under paragraph (1)(A) and (B) on the basis of the annual rate of pay of the employee in effect on the date of termination of employment.

“(c) Any payment under this section shall be paid from the appropriation account or fund used to pay the employee.

“(d) If an individual who received a lump sum payment under this section is reemployed as an employee of the Senate before the end of the period covered by the lump sum payment, the individual shall refund an amount equal to the applicable pay covering the period between the date of reemployment and the expiration of the lump sum period. Such amount shall be deposited to the appropriation account or fund used to pay the lump sum payment.

“(e) The Committee on Rules and Administration of the Senate may prescribe regulations to carry out this section.

“(f) In this section, the term—

“(1) ‘employee of the Senate’ means any employee whose pay is disbursed by the Secretary of the Senate, except that the term does not include a member of the Capitol Police or a civilian employee of the Capitol Police; and

“(2) ‘head of the employing office’ means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.”

### § 60p. Payment for unaccrued leave

#### (a) In general

The Financial Clerk of the Senate is authorized to accept from an individual whose pay is disbursed by the Secretary of<sup>1</sup> Senate a payment representing pay for any period of unaccrued annual leave used by that individual, as certified by the head of the employing office of the individual making the payment.

#### (b) Withholding

The Financial Clerk of the Senate is authorized to withhold the amount referred to in subsection (a) of this section from any amount which is disbursed by the Secretary of the Senate and which is due to or on behalf of the individual described in subsection (a) of this section.

#### (c) Deposit

Any payment accepted under this section shall be deposited in the general fund of the Treasury as miscellaneous receipts.

#### (d) “Head of the employing office” defined

As used in this section, the term “head of the employing office” means any person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an individual whose pay is disbursed by the Secretary of the Senate.

#### (e) Applicability

This section shall apply to fiscal year 1996 and each fiscal year thereafter.

(Pub. L. 104-197, title I, §9, Sept. 16, 1996, 110 Stat. 2398.)

#### CODIFICATION

Section is from the Congressional Operations Appropriations Act, 1997, which is title I of the Legislative Branch Appropriations Act, 1997.

### § 61. Limit on rate of compensation of Senate officers and employees

No officer or employee of the Senate shall receive pay for any services performed by him at any rate higher than that provided for the office or employment to which he has been regularly appointed.

(Aug. 5, 1882, ch. 390, §1, 22 Stat. 270.)

### § 61-1. Gross rate of compensation of employees paid by Secretary of Senate

#### (a) Annual rate; certification

(1) Whenever the rate of compensation of any employee whose compensation is disbursed by the Secretary of the Senate is fixed or adjusted on or after October 1, 1980, such rate as so fixed or adjusted shall be at a single whole dollar per annum gross rate and may not include a fractional part of a dollar.

(2) New or changed rates of compensation (other than changes in rates which are made by law) of any such employee (other than an employee who is an elected officer of the Senate) shall be certified in writing to the Disbursing Office of the Senate (and, for purposes of this paragraph, a new rate of compensation refers to

<sup>1</sup> So in original. Probably should be followed by “the”.